

IC 3-11-9

Chapter 9. Assistance to Certain Voters

IC 3-11-9-1

Application of chapter

Sec. 1. This chapter applies to each precinct and to absentee voting.

As added by P.L.5-1986, SEC.7. Amended by P.L.8-1992, SEC.24.

IC 3-11-9-2

Voters with disabilities or unable to read or write English; assistance; affidavit

Sec. 2. (a) A voter who:

- (1) is a voter with disabilities; or
- (2) is unable to read or write English;

may request assistance in voting before entering the voting booth and designate a person (other than the voter's employer, an officer of the voter's union, or an agent of the voter's employer or union) to assist the voter in voting at an election, as required by 42 U.S.C. 1973aa-6.

(b) This subsection does not apply to a person designated by a voter described by subsection (a) who is voting absentee before two (2) members of the absentee voter board. The person designated must execute a sworn affidavit on a form provided by the precinct election board stating that, to the best of the designated person's knowledge, the voter:

- (1) is a voter with disabilities or is unable to read or write English; and
- (2) has requested the designated person to assist the voter in voting under this section.

(c) The person designated may then accompany the voter into the voting booth and assist the voter in marking the voter's paper ballot or ballot card or in registering the voter's vote on the voting machine or electronic voting system.

As added by P.L.5-1986, SEC.7. Amended by P.L.3-1987, SEC.258; P.L.10-1988, SEC.112; P.L.4-1991, SEC.93; P.L.8-1992, SEC.25; P.L.3-1993, SEC.149; P.L.14-2004, SEC.120.

IC 3-11-9-3

Individuals allowed to give voter assistance

Sec. 3. (a) The following individuals shall assist a voter described by section 2 of this chapter who requests assistance in voting before entering the voting booth but does not wish to designate a person under that section.

- (1) The two (2) judges if the voter is voting at a precinct.
- (2) Two (2) members of the absentee voter board if the voter is voting absentee.

(b) This subsection does not apply to a person designated by a voter described by subsection (a) who is voting absentee before two (2) members of the absentee voter board. The individuals described in subsection (a) shall execute a sworn affidavit on a form provided

by the precinct election board stating that, to the best of the individuals' knowledge, the voter:

- (1) is a voter with disabilities or is unable to read or write English;
- (2) has requested assistance in voting; and
- (3) does not wish to designate a person to assist the voter in voting under section 2 of this chapter.

(c) The two (2) individuals described in subsection (a) shall then accompany the voter into the voting booth to assist the voter in marking the voter's paper ballot or ballot card or in registering the voter's vote on the voting machine or electronic voting system.

As added by P.L.5-1986, SEC.7. Amended by P.L.3-1987, SEC.259; P.L.10-1988, SEC.113; P.L.4-1991, SEC.94; P.L.8-1992, SEC.26; P.L.3-1993, SEC.150.

IC 3-11-9-4 Repealed

(Repealed by P.L.3-1987, SEC.570.)

IC 3-11-9-5

"Service animal"

Sec. 5. (a) As used in this section, "service animal" has the meaning set forth in IC 35-46-3-11.5.

(b) A voter who requires the assistance of a service animal is entitled to bring the animal into the polls and the voting booth.

As added by P.L.66-2003, SEC.41.